

A regular meeting of the Borough Council was held October 6, 2010, 7:30 p.m.

The following members and officers were present: President L. James Roberts, Vice President Donald Rosenberger, Councilmembers David Erwin, Michael Johnson, Michelle Scarborough, Edward Scholl and Daniel Williams, Solicitor Charles Fonzone, Manager Scott C. McElree and Asst. Borough Secretary Phyllis R. Ewing.

RESOLVED, That, the Minutes of September 1 and 13, 2010, be approved as written. Motion of Councilman Rosenberger, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following check registers be approved for payment:

August 27, 2010	–	\$	93,017.31
September 3, 2010	–		6,278.81
September 8, 2010	–		858.00
September 10, 2010	–		91,338.02
September 17, 2010	–		814,470.66
September 24, 2010	–		18,060.68
September 29, 2010	–		219,212.97
September 29, 2010	–		8,930.91
October 1, 2010	–		78,658.83

Motion of Councilman Rosenberger, seconded by Councilman Williams.

President Roberts stated that he will abstain from voting as a purchase was made from the Friendly Book Store.

A roll call vote was taken and the motion carried with the following Councilmembers voting in favor: Erwin, Johnson, Rosenberger, Scarborough, Scholl and Williams; and the following Councilmember abstaining: Roberts.

RESOLVED, That, the Financial Statement, Police Department, Zoning Administrator and Building Inspector reports be received and filed. Motion of Councilman Williams, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

Manager McElree swore in new Fire Police person Melanie Cardell of 11½Juniper Street, Quakertown, into office.

Visitors:

Mr. Warren Stork, Phoebe Nursing Home, stated that he needs to make an urgent plea to Council to help with the plight of senior citizens, who were forced to move their home to

temporary quarters, to secure a permanent home in the Borough for the senior center. Mr. Stork presented a list of other seniors (over 200) interested in securing a permanent home for the center in the Borough. President Roberts assured Mr. Stork that Council will consider this request.

PLANNING & ZONING COMMITTEE

RESOLVED, That, the following Resolution 101-10, request from L. James Roberts for a curb cut at 342 S. Ninth Street, be adopted:

RESOLUTION NO. 101-10

WHEREAS, L. James Roberts, Jr. made an application for a curb cut to extend the driveway entrance at his residence, 342 S. Ninth Street.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the application for a curb cut at 342 S. Ninth Street.

Motion of Councilman Scholl, seconded by Councilman Johnson. A roll call vote was taken and the motion carried with the following Councilmembers voting in favor: Erwin, Johnson, Rosenberger, Scarborough, Scholl and Williams and Councilman Roberts abstained.

Councilman Scholl read Ordinance 1173, change to Town Center off-street parking, in full.

RESOLVED, That, Ordinance 1173, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 27, Sections 601, 602, 603, 604, tables 6.1 and 6.2, eliminating off-street parking requirements for all commercial uses in the town center zoning district, be passed finally. Motion of Councilman Scholl, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 102-10, request from Quakertown Fire Department for financial support, be adopted:

RESOLUTION NO. 102-10

WHEREAS, the Quakertown Fire Department has requested the disbursement of \$80,000 for the Borough's commitment to their purchase of fire service equipment.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown, grants the release of \$80,000 to the Quakertown Fire Department from the Fire Capital Fund (30) to be used for emergency services equipment.

Motion of Councilman Rosenberger, seconded by Councilman Johnson.

Councilman Rosenberger asked if the \$80,000 is consistent with the original promise. Manager McElree indicated it is. Councilman Rosenberger stated that this money comes from an allocation from the electric fund. Councilman Rosenberger indicated that when the budget is done, Council may change the funding.

Councilman Erwin indicated that he will abstain from voting because he is a volunteer firefighter.

A roll call vote was taken and the motion carried with the following Councilmembers voting in favor: Johnson, Rosenberger, Scarborough, Scholl, Williams and Roberts. Councilman Erwin abstained.

RESOLVED, That, the following Resolution 103-10, appointing Keystone Collections Group as Quakertown Borough's EIT collector effective January 1, 2011, be adopted:

RESOLUTION 103-10

WHEREAS, the Borough of Quakertown levies a tax on earned income and net profits ("EIT") of residents of the Borough of Quakertown under the Local Tax Enabling Act, 53 P.S. §6910, et seq.; and

WHEREAS, the Borough of Quakertown contracted with Berkheimer Associates to collect its EIT; and

WHEREAS, Act 32 of 2008 amended the Local Tax Enabling Act to provide for countywide collection of EIT levied by school districts and municipalities; and

WHEREAS, Act 32 of 2008 created the Bucks County Tax Collection District ("TCD") and the Bucks County Tax Collection Committee ("TCC") to govern the TCD and to retain a tax collector to collect EIT levied by municipalities and school districts within the TCD beginning January 1, 2012; and

WHEREAS, the TCC has appointed Keystone Tax Collection Group ("Keystone") to serve as the TCD Tax Collector beginning January 1, 2012; and

WHEREAS, the Tax Collection Agreement between the TCC and Keystone does permit municipalities and school districts in the TCD to appoint Keystone to collect EIT effective January 1, 2011; and

WHEREAS, the Borough of Quakertown has determined that it will be beneficial

to the Borough of Quakertown to begin using Keystone to collect EIT beginning January 1, 2011.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown hereby resolves:

1. Effective January 1, 2011, in accordance with the terms and conditions of the Tax Agreement between the TCC and Keystone, Keystone shall serve as the Borough of Quakertown's EIT tax collector for the 2011 tax year, with the express understanding that Berkheimer Associates will continue to collect taxes levied in the 2010 tax year through the close out of the 2010 tax year, including receiving fourth quarter employer and individual remittances, individual final returns, employer year-end reconciliations and delinquent taxes or reports arising from the completion of tax year 2010 until June 30, 2012, at which time, such delinquent taxes or reports shall become the responsibility of the TCC-appointed tax collector, Keystone; and
2. Effective December 31, 2010, Berkheimer Associates will no longer serve as the Borough of Quakertown's EIT tax collector; however, Berkheimer Associates will be responsible for the continued collection of EIT levied in 2010, including receiving fourth quarter employer and individual remittances, individual final returns, employer year-end reconciliations and delinquents arising from the completion of tax year 2010 until June 30, 2012, at which time, such delinquent taxes and reports shall become the responsibility of the TCC-appointed tax collector, Keystone; and
3. Effective December 31, 2010, the contract between the Borough of Quakertown and Berkheimer Associates will terminate as to future tax years; however, the terms and conditions of that contract will continue to govern Berkheimer Associate's collection of taxes levied in 2010 and the transition of tax records; and
4. Any resolutions or parts thereof inconsistent herewith are hereby rescinded, cancelled and annulled.

Motion of Councilman Rosenberger, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried.

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 100-10, request from Juniper Place Yarns to place scarves on posts and fences in the Borough, be adopted:

RESOLUTION NO. 100-10

WHEREAS, a request was received from Juniper Place Yarns to place handmade scarves in downtown public property areas of the Borough.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Juniper Place Yarns to place handmade scarves in downtown public property areas of the Borough on November 5th and 6th, 2010.

Motion of Councilman Johnson, seconded by Councilman Erwin. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 104-10, establishing Trick or Treat Night, be adopted:

RESOLUTION NO. 104-10

RESOLVED, That, the Council of the Borough of Quakertown establishes October 31, 2010, 6:00 to 9:00 p.m., as Trick-or-Treat night in the Borough of Quakertown.

Motion of Councilman Johnson, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried.

PUBLIC UTILITIES COMMITTEE

Councilwoman Scarborough stated that there aren't any items for action under the Public Utilities Committee.

PUBLIC WORKS COMMITTEE

Councilman Erwin stated that there aren't any items for action under the Public Works Committee.

PARKS & RECREATION COMMITTEE

RESOLVED, That, the following Resolution 98-10, request from Sarah Parvin Benefit Soccer Tournament Committee to hold a benefit tournament, be adopted:

RESOLUTION NO. 98-10

WHEREAS, a request was received from the Sarah Parvin Foundation to use the Quakertown Soccer Complex and rent the bandshell for their Sarah Parvin Soccer

Tournament.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Sarah Parvin Foundation to use the Quakertown Soccer Complex and to rent the bandshell for their event to be held on July 30 and July 31, 2011, provided they add the Borough as an additional insured on the insurance.

Motion of Councilman Williams, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 97-10, request from the Boy Scouts to use Memorial Park for a Cub Scout event, be adopted:

RESOLUTION NO. 97-10

WHEREAS, a request was received from Bucks County Council, Boy Scouts of America to hold a cub scout event in Memorial Park on November 6, 2009 from 9:00 a.m. to 2:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that Council grants the request of the Bucks County Council, Boy Scouts of America to hold a cub scout event in Memorial Park on November 6, 2010, provided they add the Borough as an additional insured on their insurance.

Motion of Councilman Williams, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried.

Manager McElree stated that 7" of rain in 3-1/2 hours was recorded at the Wastewater Treatment Plant. The Public Works Department did an excellent job. There was a very good response from the first responders Chief Wilhelm, the Fire Department and Police Department. They did an outstanding job. The Borough also suffered electric outages. Manager McElree stated that the electric crew also did an outstanding job. Manager McElree indicated that he will give a written report to Council. Manager McElree reported the following places in the Borough that flooded:

Quakertown West complex was under water– 51 apartment units were damaged and 40 residents were displaced.

Mill Street between 9th and Main was completely under water.

Brookfield Circle and Pickett Lane were hit very hard.

The Fire Company did in excess of 40 pump details. It is magnificent that the Fire

Department provides this type of service and handled that volume.

President Roberts declared the meeting adjourned at 8:20 p.m.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary